

THE EFFECTIVE DATE OF THIS ORDINANCE IS JUNE 29<sup>TH</sup>, 2007

ORDINANCE NO. 07-27-467

Re: An Amendment to Chapter 1-19 of the  
Frederick County Code (Zoning Ordinance)  
relating to the Village Center (VC) Zoning District

The Board of County Commissioners ("Board") observes that the Village Center Zoning District has been applied within two types of rural communities those with a Rural Community Comprehensive Plan Community Concept designation, and those with a Regional and District Community designation. Rural Communities are not planned for public water and sewer service and are not designated as growth areas. Regional and District Communities are identified in the Comprehensive Plan as primary and secondary growth areas and are planned for public water and sewer service. As growth areas, Regional and District Communities anticipate an increased residential density with the intent of drawing development away from the County's agricultural areas and concentrating it in the designated growth areas.

The Board notes that the Village Center zoning district is applied to communities with historic resources, distinctive building design and community characteristics which set them apart from other areas of the County. The Board believes that there should be a differentiation of the intensity of development allowed within the Village Center zoning district in the smaller Rural Community than in the emerging growth areas represented by the Regional and District Communities.

The Board understands that the existing provisions of Chapter 1-19 of the Frederick County Code (Zoning Ordinance) have allowed development which is not consistent with the concept of Village Center zoning as expressed in the Comprehensive Plan. The Board desires by this Ordinance to amend Chapter 1-19 of the Frederick County Code so that future development with the Village Center zoning district is consistent with the concepts expressed in the Comprehensive Plan.

A public hearing was held by the Frederick County Planning Commission on May 16, 2007, and the Planning Commission voted to approve the proposed amendment.

The Board of County Commissioners held a public hearing on this proposal on June 19, 2007, at which time the public had an opportunity to comment on the proposal.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-19 of the Frederick County Code be amended as follows:

ARTICLE I: IN GENERAL  
§1-19-4. DEFINITIONS

**VILLAGE CENTER GROWTH AREA.** FOR THE PURPOSE OF DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT, GROWTH AREAS ARE REGIONAL AND DISTRICT COMMUNITIES AS IDENTIFIED IN THE COUNTY'S COMPREHENSIVE DEVELOPMENT PLANS AS AREAS INTENDED FOR GROWTH AND PLANNED FOR PUBLIC WATER AND SEWER.

**SHARED PARKING.** A PUBLIC OR PRIVATE PARKING AREA USED JOINTLY BY TWO OR MORE USES THROUGH A LEGAL AGREEMENT, WHICH RESULTS IN A REDUCTION IN A PORTION OF THE REQUIRED OFF-STREET PARKING SPACES FOR ONE OR MORE OF THOSE USES.

ARTICLE III: PROVISIONS APPLICABLE TO ALL DISTRICTS  
DIVISION 5. OFF STREET PARKING AND LOADING FACILITIES

**§1-19-170. SHARED PARKING.**

A PARTIAL REDUCTION IN THE TOTAL NUMBER OF REQUIRED OFF-STREET PARKING SPACES MAY BE GRANTED WHERE THE APPLICANT CAN DEMONSTRATE THE SUFFICIENT PROVISION OF SHARED PARKING FACILITIES BASED ON CHARACTERISTICS OF USES, HOURLY PARKING DEMAND STUDIES

PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERING OR OTHER APPROPRIATE SOURCE, OR OTHER DOCUMENTATION AS DETERMINED BY THE PLANNING COMMISSION OR THEIR AUTHORIZED REPRESENTATIVES. A SHARED PARKING PLAN MAY UTILIZE ON-STREET PARKING, COMMUNITY/Common PARKING, PARKING AREAS LOCATED ON THE SAME PARCEL AS THE PROPOSED USE, ADJACENT TO THE PROPOSED USE, OR TWO PARCELS THAT ARE NOT ADJACENT, SUBJECT TO THE FOLLOWING PROVISIONS:

- (A) THE SHARED PARKING FACILITY SHALL BE NO FARTHER THAN 500 FEET FROM THE BUILDING OR USE TO BE SERVED;
- (B) A MAXIMUM OF 50% OF THE REQUIRED OFF-STREET PARKING MAY BE LOCATED OFF-SITE;
- (C) SUBMISSION OF A VICINITY MAP REFLECTING THE PROPOSED SHARED PARKING AREAS(S) , PARKING SPACES, HOURS OF OPERATION, PEDESTRIAN ACCESS BETWEEN PARKING AREA(S) AND USES, AS WELL AS A DETAILED EXPLANATION OF THE PROPOSED SHARED PARKING PLAN;
- (D) A SAFE, CONVENIENT PEDESTRIAN CONNECTION MUST EXIST OR BE CONSTRUCTED BETWEEN THE BUILDINGS OR USES AND THE PARKING AREA(S);
- (E) THE PARTIES INVOLVED IN THE USE OF THE SHARED PARKING PLAN SHALL PROVIDE EVIDENCE OF AN AGREEMENT FOR SUCH USE AND PARKING PLAN BY A LEGAL INSTRUMENT APPROVED BY THE COUNTY ATTORNEY.

ARTICLE IV: ZONING DISTRICTS AND MAP GENERALLY  
DIVISION 2. ZONING DISTRICTS  
§1-19-242. COMMERCIAL ZONING DISTRICTS.

(B) THE VILLAGE CENTER DISTRICT (VC) IS INTENDED TO ~~[provide commercial services for the development of a mix of limited commercial and residential uses to the rural farm and rural non-farm population of the county by utilizing the established rural commercial areas within the various communities. These small communities have historically been the commercial centers for the surrounding rural areas and it is the purpose of this district to promote their continuance]~~. REINFORCE AND ENHANCE THE HISTORICALLY MIXED-USE AREAS WITHIN RURAL COMMUNITIES AND DESIGNATED GROWTH AREAS. THE DISTRICT PROVIDES FOR THE LOCATION OF A VARIETY OF LIMITED COMMERCIAL USES AND A RANGE OF HOUSING TYPES WHILE MAINTAINING THE COMPATIBILITY OF NEW DEVELOPMENT WITH EXISTING DEVELOPMENT THROUGH DESIGN STANDARDS. A MIX OF USES IS ENCOURAGED IN THE VILLAGE CENTER EITHER WITHIN A SINGLE STRUCTURE OR AS SEPARATE USES LOCATED THROUGHOUT THE DISTRICT.

**ARTICLE V: DISTRICT REGULATIONS**  
**DIVISION 2. SPECIFIC DISTRICT REGULATIONS**  
**§1-19-289. USE REGULATIONS FOR SPECIFIC ZONING DISTRICTS.**

- P** Principal permitted use subject to design regulations  
**PS** Principal permitted use subject to site development plan approval. See §§ 1-19-411 through 1-19-413  
**E** Principal permitted use as a special exception with site development plan approval. See §§ 1-19-376 and following  
**T** Permitted as temporary use as a special exception. See § 1-19-213  
**X** Permitted as temporary use only. See § 1-19-213  
**SW** Solid Waste Floating Zone  
A blank indicates that the use is not permitted under any situation

<i>Zoning Districts</i>														
<i>Uses</i>	RC	A	R1	R3	R5	R8	R12	R16	WVC	HS	GC	ORI	LI	GI
<i>Natural Resource Uses</i>														
Forestry	P	P	P	P	P	P	P	P	[P]	P	P		P	P
<i>Residential Uses</i>														
Duplex Dwelling			P	P	P	P	P	P	[P] PS					
Two-family dwelling		P	P	P	P	P	P	P	[P] PS					
Dwellings on same property and in conjunction with a permitted use i.e. owner, caretaker									[P] PS	P	P		P	P
<i>Automobile and Related Services</i>														
Storage tanks, gasoline		E	E	E	E	E	E	E	[PS]	PS	PS		PS	PS
<i>Commercial Amusements</i>														
Bowling alley									[PS]		PS			
Health club, fitness center, vocational training facility									[PS]		PS		PS	
Tennis club				E	E	E	E	E	[PS]		PS			
<i>Open Space and Institutional</i>														
Governmental, civic, nonprofit parks, recreation or educational areas	PS	P	P	P	P	P	P	P	[P] PS	P	P	PS	P	P

# § 1-19-290. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

- Note 1. Minimum lot areas measured in acres and square feet; minimum lot width, yard areas and height measured in feet.
- Note 2. The minimum lot area and yard requirements do not apply to agricultural activity involving no structures.
- Note 3. Design requirements for uses permitted by special exception are established in §§ 1-19-376 *et seq.*
- Note 4. Lot area, width and yard measurements may be modified in accordance with Division 8 of this chapter (to residential zones - R3, R5, R8, R12, R16, VC).
- \* Lot area, width and yard requirements may be modified in accordance with the lot clustering provision, as permitted in § 1-19-302(5).

Village Center District VC							
Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Natural resources	5 acres	—	300	40	50	50	30'
Residential							
Single family	NONE [6,000]	6,000 <sup>3</sup>	65	***[25]	***[8]	***[30']	30'
Duplex dwelling	NONE [6,000]	6,000 <sup>3</sup>	65	***[25]	***[8]	***[30']	30'
Two family	NONE [10,000]	5,000 <sup>3</sup>	75	***[25]	***[8]	***[30']	30'
Townhouse dwelling	Sec §§ 1-19-426 through 1-19-432***						30'***
Multifamily dwelling	None	3,600 <sup>3</sup>	65	***[25]	15****	50	[45'] 30'***
Multifamily group	None	3,600 <sup>3</sup>	150	***[40]	30****	50	[45'] 30'***
Transient housing							
Boarding house/tourist home	12,000	—	65	***[25]	15****	50	[45'] 30'***
Hotel/motel	20,000	500 <sup>3</sup>	100	***[25]	15****	40	[45'] 30'***
<p>* Equal to the height of structure.</p> <p>** Minimum 10 green area no parking within area</p> <p>*** FOR DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT HEIGHT, FRONT, SIDE, AND REAR SETBACKS ARE DETERMINED PURSUANT TO §§1-19-313 (B)(2) AND (3)</p> <p>****OR AS DETERMINED UNDER §§1-19-313 (B)(3), WHICHEVER IS GREATER</p> <p>1 Any proposed addition would have to meet setbacks required for new structures. Parking requirements of §§ 1-19-166 through 1-19-169</p> <p>2 As shown or equal to height of structure, whichever is greater.</p> <p>3 DEVELOPMENT WITHIN THE VC ZONING DISTRICT MAY NOT EXCEED THE DENSITY AS SPECIFIED WITHIN §§ 1-19-313 (B)(1)</p>							

**BOLD CAPS INDICATE ENTIRELY NEW MATTER ADDED TO EXISTING ORDINANCE.**  
**Strikethrough/[Brackets]** indicate matter deleted from existing Ordinance.

Village Center District VC							
Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Commercial uses:							
New structures	None	—	None	***[25]	10****	40	[45'] 30'****
In existing structures	None	—	None	As Exists <sup>1</sup> ***			
Shopping centers	See § 1-19-305***						
Automobile and related services	None	—	65	***[25]	10****	40	[45'] 30'****
Animal care and services	None	—	65	***[25]	15****	40	[45'] 30'****
Commercial amusements	None	—	65	***[25]	10****	40	[45'] 30'****
Open space uses	No minimum	—	—	—	—	—	—

\* Equal to the height of structure.

\*\* Minimum 10 green area no parking within area

\*\*\* FOR DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT SEE ALSO §§1-19-313 (B)(2) AND (3)

\*\*\*\*OR AS DETERMINED UNDER §§1-19-313 (B)(3), WHICHEVER IS GREATER

1 Any proposed addition would have to meet setbacks required for new structures. Parking requirements of §§ 1-19-166 through 1-19-169.

2 As shown or equal to height of structure, whichever is greater.

3 DEVELOPMENT WITHIN THE VC ZONING DISTRICT MAY NOT EXCEED THE DENSITY AS SPECIFIED WITHIN §§ 1-19-313 (B)(1)

ARTICLE V: DISTRICT REGULATIONS  
§DIVISION 3. SUPPLEMENTARY DISTRICT REGULATIONS  
§ 1-19-305 SHOPPING CENTERS

IN ADDITION TO THE REQUIREMENTS OF §1-19-304 OF THIS CODE, THE FOLLOWING WILL APPLY TO SHOPPING CENTERS. **DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT SHALL CONFORM TO ARTICLE 5 DIVISION 3 SUPPLEMENTARY DISTRICT REGULATIONS SEC. 1-19-313 VILLAGE CENTER DISTRICT OVERLAY STANDARDS.**

(C) *BULK REGULATIONS.* **THE PLANNING COMMISSION MAY ALLOW THE MODIFICATION OF THE SHOPPING CENTER BULK REGULATIONS FOR DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT WHERE THE PLANNING COMMISSION SPECIFICALLY FINDS THAT THE MODIFICATION PROVIDES FOR DEVELOPMENT THAT IS MORE IN CONFORMANCE WITH THE VILLAGE CENTER OVERLAY STANDARDS.**

**§ 1-19-313 VILLAGE CENTER ZONING DISTRICT OVERLAY STANDARDS**

(A) *PURPOSE AND INTENT*

**TO PROVIDE FOR THE LOCATION OF A MIX OF COMMERCIAL SERVICES AND RESIDENTIAL DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICTS OF RURAL COMMUNITIES WITH WELL AND SEPTIC, AND REGIONAL/DISTRICT COMMUNITIES WHERE PUBLIC WATER AND SEWER ARE EITHER EXISTING AND/OR PLANNED.**

**VILLAGE CENTER ZONING IS APPLIED TO COMMUNITIES THAT CONTAIN AN OLDER VILLAGE CENTER AS WELL AS HISTORIC RESOURCES WHICH ARE UNIQUE CHARACTERISTICS OF FREDERICK COUNTY. IT IS THE INTENT OF THE OVERLAY STANDARDS TO DISTINGUISH BETWEEN DEVELOPMENT IN RURAL COMMUNITIES AND GROWTH AREA COMMUNITIES THAT ACCOMMODATE DIFFERING INTENSITIES AND DENSITIES OF GROWTH, AS WELL AS SUSTAIN THE DISTINCTIVE VILLAGE CENTER CHARACTER AND COMMUNITY IDENTITY THROUGH CAREFULLY PLANNED DEVELOPMENT. THE DESIGN STANDARDS ARE TO ENSURE THAT NEW DEVELOPMENT IS COMPATIBLE WITH THE UNIQUE CHARACTERISTICS WITHIN EACH COMMUNITY. THE SCALE AND DENSITY OF NEW DEVELOPMENT SHALL CONFORM TO THE EXISTING DEVELOPMENT PATTERNS OF THE SPECIFIC COMMUNITY IN WHICH IT IS LOCATED AS DEPICTED WITHIN THE VILLAGE CENTER ZONING DISTRICT DESIGN GUIDE.**

**(B) APPLICATION**

**(1) DENSITY- DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT MAY NOT EXCEED 3 DWELLING UNITS PER ACRE EXCEPT IN THE GROWTH AREA COMMUNITIES. IN GROWTH AREA COMMUNITIES THE DENSITY SHALL NOT EXCEED 5 DWELLING UNITS PER ACRE.**

**(2) HEIGHT- STRUCTURES WITHIN THE VILLAGE CENTER ZONING DISTRICT MAY NOT EXCEED A MAXIMUM HEIGHT OF 30' AND NO MORE THAN 2 STORIES. IN THE GROWTH AREA COMMUNITIES THE PLANNING COMMISSION MAY GRANT AN INCREASE IN HEIGHT OF UP TO 40' AND NO MORE THAN 3 STORIES FOR TOWNHOUSE, MULTI-FAMILY, TRANSIENT HOUSING, AND COMMERCIAL DEVELOPMENT. THE PLANNING COMMISSION MAY GRANT AN INCREASED HEIGHT WHEN THE SPECIFIC FINDING IS MADE THAT SUCH INCREASED HEIGHT IS:**

1. COMPATIBLE WITH THE PATTERN OF OR RELATIONSHIP TO EXISTING DEVELOPMENT ON ADJACENT OR CONFRONTING LOTS; AND
2. CONFORMS TO §1-19-313C.

(3) SETBACKS- FRONT, SIDE, AND REAR SETBACKS WILL BE DETERMINED BASED UPON THE AVERAGE SETBACKS FOR STRUCTURES LOCATED ON ALL LOTS FACING AND ADJACENT TO THE PROPOSED DEVELOPMENT, BUT IN NO EVENT LESS THAN THE SPECIFIC MINIMUM SETBACKS WHERE PROVIDED IN SECTION §1-19-290. WHERE FACING AND ADJACENT LOTS ARE VACANT, THE SETBACKS SHALL BE BASED UPON THE AVERAGE SETBACKS OF THE NEAREST STRUCTURES. ACCESSORY AND SECONDARY BUILDINGS SHALL NOT BE UTILIZED TO DETERMINE SETBACK AVERAGES UNLESS THE PROPOSED USE IS OF A SIMILAR INTENSITY.

(4) MIXED USES- MIXED-USE DEVELOPMENT IS ENCOURAGED WITHIN THE VILLAGE CENTER ZONING DISTRICT, INCLUDING RESIDENTIAL USES ON THE SECOND OR THIRD FLOORS ABOVE GROUND FLOOR COMMERCIAL USES. MULTIPLE PRINCIPAL STRUCTURES ON A SINGLE LOT MAY BE PERMITTED WITHIN THE VILLAGE CENTER ZONING DISTRICT THROUGH THE SITE PLAN APPROVAL PROCESS WHEN THE PLANNING COMMISSION SPECIFICALLY FINDS THAT THE RESULTING DEVELOPMENT WILL PROVIDE AN IMPROVED DESIGN THAT WOULD NOT OTHERWISE BE CREATED ON MULTIPLE LOTS. IN DETERMINING WHETHER TO ALLOW DEVELOPMENT OF MULTIPLE PRINCIPAL STRUCTURES ON A SINGLE LOT THE PLANNING COMMISSION SHALL REQUIRE:

- (a) IMPROVED ON-SITE AND OFF-SITE TRAFFIC CIRCULATION FOR VEHICLES AND PEDESTRIANS;
- (b) BUILDING PLACEMENT THAT PROVIDES FOR THE CONCENTRATION OF SERVICE ENTRANCES, MECHANICAL EQUIPMENT, UTILITIES AND NON-PUBLIC

FACILITIES (I.E. REFUSE CONTAINERS OR OUTSIDE STORAGE) AWAY FROM PUBLIC ACCESS AREAS;

- (c) THE PROVISION OF A COMMON PLAZA/GREEN AREA(S) (NOT INCLUDING SWIMMING POOLS OR PLAYGROUNDS) TO BE PROVIDED IN ADDITION TO ALL OTHER LANDSCAPING AND SETBACK REQUIREMENTS. THE COMMON PLAZA/GREEN AREA(S) SHALL BE CALCULATED AT THE FOLLOWING RATE:  
726 SQUARE FEET COMMON PLAZA/GREEN AREA(S) PER 2,000 SQUARE FEET OF GROSS FLOOR AREA OR PORTION THEREOF ;
- (d) JOINT USE OR SHARED PARKING RESULTING IN A REDUCTION IN THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES;
- (e) A MIX OF INTEGRATED COMMERCIAL AND RESIDENTIAL USES;
- (f) PRESERVATION OF A HISTORIC STRUCTURE OR HISTORIC SITE WHERE APPLICABLE.

**(C) DESIGN STANDARDS**

ALL NEW DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT SHALL INCORPORATE THE FOLLOWING DESIGN STANDARDS IN ADDITION TO ALL OTHER APPLICABLE REQUIREMENTS OF THE ZONING ORDINANCE. NEW DEVELOPMENT WILL USE EXISTING DEVELOPMENT AS A GUIDE WHEN DETERMINING SITE DEVELOPMENT, LAYOUT, BULK, AND FORM OF PROPOSED STRUCTURES WITHIN THE VILLAGE CENTER DISTRICT. NEW DEVELOPMENT SHOULD BE DESIGNED AND BUILT TO REFLECT EXISTING NEIGHBORHOOD CHARACTERISTICS INCLUDING SHAPE, HEIGHT, MASSING, ROOF SHAPES, AND DOOR AND WINDOW PLACEMENT AND PROPORTIONS.

THE PLANNING COMMISSION SHALL CONSIDER THESE STANDARDS IN ITS REVIEW OF ALL DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT. THE CONCEPT PLAN WILL ALLOW FOR REVIEW OF THE PROPOSED DEVELOPMENT IN ORDER TO ENSURE CONSISTENCY WITH THE INTENT OF THE STANDARDS AND THE PURPOSE OF THE VC DISTRICT. THE PLANNING COMMISSION MAY NOT APPROVE DEVELOPMENT APPLICATIONS THAT DO NOT COMPLY WITH THE DESIGN STANDARDS OR OTHER REQUIREMENTS OF THIS SECTION.

#### **SITE DEVELOPMENT AND LAYOUT**

1. **BUILDINGS SHALL BE ORIENTED SUCH THAT THE PRINCIPAL FACE OF THE BUILDING FACES THE MOST DOMINANT ADJACENT PUBLIC STREET AS DETERMINED BY THE ORIENTATION OF EXISTING SURROUNDING STRUCTURES.**
2. **MULTI-STORY BUILDINGS WITH COMMERCIAL USE(S) ON THE GROUND AND LOWER FLOORS AND RESIDENTIAL USES ON THE UPPER FLOOR(S) ARE ENCOURAGED.**
3. **GARAGE AND SERVICE DOORS FOR COMMERCIAL DEVELOPMENT SHALL NOT BE ORIENTED TO THE DOMINANT ADJACENT PUBLIC STREET. GARAGE AND SERVICE DOORS SHALL BE LOCATED TO THE REAR AND/OR SIDE OF BUILDINGS ALLOWING FOR THE PRINCIPAL FACE OF THE BUILDING TO REMAIN THE DOMINANT PUBLIC STREET FEATURE.**
4. **ALL EQUIPMENT AND SUPPLIES SHALL BE STORED, MAINTAINED, AND REPAIRED OUTSIDE OF THE FRONT YARD AREA.**
5. **PARKING SHALL BE LOCATED TO THE REAR AND/OR SIDE OF BUILDINGS. PARKING LOTS SHALL NOT CREATE LONG EXPANSES OF EMPTY STREET FRONTAGE.**

6. **SHARED PARKING IS STRONGLY ENCOURAGED. THE PLANNING COMMISSION MAY REDUCE THE MINIMUM PARKING REQUIREMENTS WHERE THE APPLICANT CAN DEMONSTRATE THE NEED FOR FEWER PARKING SPACES DUE TO AVAILABILITY OF ON-STREET PARKING, JOINT PARKING, COMMUNITY/SHARED PARKING AS OTHERWISE PROVIDED UNDER §1-19-170.**
7. **ROADSIDE SIDEWALKS SHALL BE PROVIDED WHEN SITES ARE DEVELOPED OR REDEVELOPED. SIDEWALKS LINKING ADJACENT PARCELS ALONG THE PRIMARY STREET SHALL BE PROVIDED WHEREVER PRACTICAL.**
8. **STREETS AND ROADWAYS SHALL LINK TO EXISTING ROAD NETWORKS AND FOLLOW THE ESTABLISHED PREDOMINANT STREET PATTERN.**

#### **BUILDING MASSING AND BULK**

1. **THE OVERALL FORM OF PROPOSED BUILDINGS, SUCH AS HEIGHT, FRONT AND SIDE YARD SETBACKS, ROOF PITCH, AND LENGTH OF BUILDING FRONTAGE SHALL BE SIMILAR TO THE SURROUNDING BUILDINGS IN ORDER TO MAINTAIN A CONSISTENT PATTERN AND TEXTURE IN THE BUILT ENVIRONMENT.**
2. **COMMUNITY OR INSTITUTIONAL BUILDINGS MAY BE GRANTED INCREASED HEIGHT ALLOWANCES FOR ARCHITECTURAL FEATURES THAT SIGNIFY THE FUNCTION OR IMPORTANCE OF THE BUILDING TO THE COMMUNITY.**
3. **WHERE ABUTTING A PUBLIC STREET, TOWNHOUSE AND MULTI-FAMILY STRUCTURES SHALL HAVE A MAXIMUM WIDTH OF THREE DWELLING UNITS.**
4. **COMMERCIAL BUILDINGS SHALL NOT EXCEED A MAXIMUM FOOTPRINT OF 5,000 SQUARE FEET EXCEPT WITHIN THE GROWTH AREA COMMUNITIES WHERE THE**

PLANNING COMMISSION MAY GRANT A MAXIMUM COMMERCIAL BUILDING FOOTPRINT OF UP TO 8,000 SQUARE FEET.

5. BUILDING DESIGNS SHALL NOT INCLUDE FLAT ROOFS, LARGE EXPANSES OF UNDIFFERENTIATED FAÇADES, AND LONG PLAIN WALL SECTIONS.

**(D) PROCEDURES**

- (1) **CONCEPT PLAN:** DEVELOPMENT REQUIRING SITE PLAN REVIEW MUST RECEIVE CONCEPT PLAN APPROVAL FROM THE PLANNING COMMISSION OR ITS AUTHORIZED REPRESENTATIVE AS THE FIRST STEP IN THE DEVELOPMENT REVIEW PROCESS. THE CONCEPT PLAN MUST DEMONSTRATE THE MANNER IN WHICH THE VILLAGE CENTER ZONING DISTRICT DESIGN STANDARDS HAVE BEEN MET BY THE PROPOSED DEVELOPMENT. (§1-19-414)

**ARTICLE VI: SPECIAL DEVELOPMENT PROVISIONS**

**DIVISION 3. SPECIAL EXCEPTION USES**

**§1-19-384. AUTO REPAIR BODY AND FENDER SHOPS IN VC DISTRICTS.**

THE FOLLOWING PROVISIONS SHALL APPLY TO AUTO REPAIR BODY AND FENDER SHOP IN VC DISTRICTS.

~~(A) NO MINIMUM LOT SIZE IS REQUIRED. THE SETBACKS ARE AS FOLLOWS:~~

- ~~(1) FRONT YARD, 25 FEET;~~
- ~~(2) REAR YARD, 25 FEET;~~
- ~~(3) SIDE YARDS, 8 FEET; AND~~
- ~~(4) WIDTH, 60 FEET.~~

(A) THE MINIMUM LOT AREA, LOT WIDTH, YARD SETBACKS AND HEIGHT, SHALL

BE AS PROVIDED FOR IN THE TABLE IN 1-19-290.

## **DIVISION 4. SITE PLAN REVIEW**

### **§1-19-414. CONCEPT PLAN**

**WHERE SPECIFIED WITHIN THE ZONING ORDINANCE, CONCEPT PLAN APPROVAL SHALL BE REQUIRED AS THE FIRST STEP IN THE DEVELOPMENT APPROVAL PROCESS (§1-19-313D).**

**THE CONCEPT PLAN SHALL INCLUDE THE FOLLOWING ELEMENTS:**

- (1) AN APPLICATION IN A FORM ACCEPTABLE TO THE DIVISION OF PERMITTING AND DEVELOPMENT REVIEW;**
- (2) A MAP DRAWN AT 1 INCH EQUALS 100 FEET OR GREATER SCALE SHOWING PROPERTY LINES, ALL EXISTING NATURAL AND MAN-MADE FEATURES, AND A VICINITY MAP;**
- (3) A MAP IDENTIFYING THE TYPE AND LOCATION OF ALL PROPOSED USES INCLUDING:**
  - THE GENERALIZED LOCATION, FOOTPRINT, AND EXTERIOR ELEVATION OF ALL PROPOSED BUILDINGS INCLUDING HEIGHT, NUMBER OF STORIES, NUMBER OF ATTACHED UNITS, AND THE LOCATION OF DOORS AND WINDOWS;**
  - ALL PROPOSED PARKING LOCATIONS AND GENERALIZED INFORMATION REGARDING THE USE OF AN ALTERNATE PARKING PLAN INCLUDING SHARED, JOINT, COMMUNITY, OR OTHER MEANS;**
  - THE GENERALIZED LOCATION OF ALL ROADWAYS, SIDEWALKS, AND OTHER PUBLIC OR PRIVATE FACILITIES ADJACENT TO AND NECESSARY FOR DEVELOPMENT OF THE SITE;**
- (4) EXISTING STRUCTURES ON ALL LOTS FACING AND ADJACENT TO THE PROPOSED DEVELOPMENT INCLUDING THE HEIGHT, SETBACKS;**

- (5) PHOTOGRAPHS OF THE SUBJECT PARCEL AND ALL FACING AND ADJACENT LOTS AND STRUCTURES USED TO DETERMINE HEIGHT AND SETBACKS.**

## **DIVISION 5. TOWNHOUSE DEVELOPMENT**

### **§1-19-426 SCOPE**

**THE PROVISIONS OF THIS DIVISION SHALL APPLY TO TOWNHOUSE DEVELOPMENTS. WITHIN THE VILLAGE CENTER ZONING DISTRICT DEVELOPMENT SHALL ALSO CONFORM TO ARTICLE 5 DIVISION 3 SUPPLEMENTARY DISTRICT REGULATIONS SEC. 1-19-313 VILLAGE CENTER DISTRICT OVERLAY STANDARDS.**

### **§ 1-19-429 ROW LENGTHS**

**There shall be no more than 8 and no less than 3 townhouses in a row EXCEPT WITHIN THE VILLAGE CENTER DISTRICT. IN THE VILLAGE CENTER DISTRICT WHERE ABUTTING A PUBLIC STREET, TOWNHOUSE AND MULTI-FAMILY STRUCTURES SHALL HAVE A MAXIMUM WIDTH OF THREE DWELLING UNITS.**

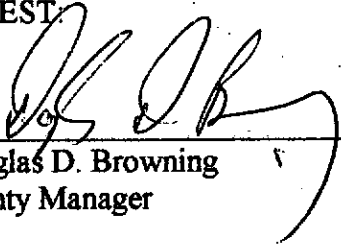
### **§ 1-19-430 YARDS**

**(E) THE PLANNING COMMISSION MAY ALLOW THE MODIFICATION OF THE TOWNHOUSE YARD REQUIREMENTS FOR DEVELOPMENT WITHIN THE VILLAGE CENTER ZONING DISTRICT IF THE PLANNING COMMISSION SPECIFICALLY FINDS THAT THE MODIFICATION PROVIDES FOR OVERALL BUILDING PLACEMENT THAT IS MORE IN CONFORMANCE WITH THE VILLAGE CENTER OVERLAY STANDARDS.**

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on  
June 29, 2007.

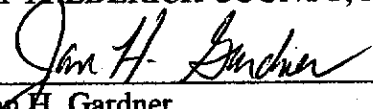
The undersigned hereby certifies that this Ordinance was approved and adopted by the Board of  
County Commissioners on the 19th day of June, 2007.

ATTEST:

  
\_\_\_\_\_  
Douglas D. Browning  
County Manager

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

By:

  
\_\_\_\_\_  
Jan H. Gardner  
President

MJC 9/7/07